

0000
0000 0000 0000
0000 0000 0000
0000 0000 0000
0000 0000 0000
0000 0000 0000

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

KERSTIN G. HAGSTROM, an individual,

Plaintiff,

v.

SAFEWAY, INC., a foreign corporation
registered and doing business in
Washington, d/b/a SAFEWAY STORE
#526; SAFEWAY STORES, INC., a
foreign corporation registered and doing
business in Washington; THE
ALBERTSONS COMPANIES
FOUNDATION, a foreign corporation;
NEW ALBERTSON'S, INC., a foreign
corporation; ALBERTSON'S, LLC, a
foreign corporation; ABC Co., and DOES
1-3,

Defendants.

Cause No.

**COMPLAINT FOR PERSONAL
INJURIES**

The plaintiff, Kerstin G. Hagstrom, for cause of action against the defendants,
alleges as follows:

COMPLAINT FOR PERSONAL INJURIES
PAGE 1 OF 7

SCOTT & SCOTT, PLLC
4800 AURORA AVE. N.
SEATTLE, WA 98103
TEL: (206) 622-2200
FAX: (206) 622-9671

I. Parties and Jurisdiction

1.1 At all material times herein the defendant, Safeway, Inc., formed a for-profit business corporation under the laws of the State of Washington. All acts done by the Safeway store #526 located at 14444 124th Ave NE, Kirkland, Washington 98304 were done for the profit of the defendant Safeway, Inc. On or about May 8, 2017, the defendant, Safeway, Inc., owned, operated and/or controlled Safeway store, #526, located at 14444 124th Ave. NE, Kirkland, Washington.

1.2 At all material times herein the defendant, Safeway Stores, Inc., formed a for-profit business corporation under the laws of the State of Washington. All acts done by the Safeway store #526 located at 14444 124th Ave NE, Kirkland, Washington 98304 were done for the profit of the defendant Safeway Stores, Inc. On or about May 8, 2017, the defendant, Safeway Stores, Inc., owned, operated and/or controlled Safeway store, #526, located at 14444 124th Ave. NE, Kirkland, Washington.

1.3 At all material times herein the defendant, The Albertsons Company Foundation., formed a for-profit business corporation under the laws of the State of Washington. All acts done by the Safeway store #526 located at 14444 124th Ave NE, Kirkland, Washington 98304 were done for the profit of the defendant Albertsons Company Foundation. On or about May 8, 2017, the defendant, The Albertsons Company Foundation, owned, operated and/or controlled Safeway store, #526, located at 14444 124th Ave. NE, Kirkland, Washington.

1.4 At all material times herein the defendant, New Albertson's, Inc., formed a for-profit business corporation under the laws of the State of Washington. All acts done by the Safeway store #526 located at 14444 124th Ave NE, Kirkland, Washington 98304 were done for the profit of the defendant New Albertson's, Inc. On or about May 8, 2017, the

1 defendant, New Albertson's, Inc., owned, operated and/or controlled Safeway store, #526,
2 located at 14444 124th Ave. NE, Kirkland, Washington.

3 1.5 At all material times herein the defendant, Albertsons, LLC, formed a for-
4 profit business corporation under the laws of the State of Washington. All acts done by the
5 Safeway store #526 located at 14444 124th Ave NE, Kirkland, Washington 98304 were done
6 for the profit of the defendant Albertsons, LLC. On or about May 8, 2017, the defendant,
7 Albertsons, LLC, owned, operated and/or controlled Safeway store, #526, located at 14444
8 124th Ave. NE, Kirkland, Washington.

9 1.6 ABC, Co. is a business whose true name and legal entity is unknown at this
10 time. At all material times herein, the defendant ABC, Co., owned and operated Safeway
11 store #526. All acts done by the Safeway store #526 located at 14444 124th Ave NE,
12 Kirkland, Washington 98304 were done for the profit of the defendant ABC, Co. On or
13 about May 8, 2017, the defendant, ABC, Co., owned, operated and/or controlled Safeway
14 store, #526, located at 14444 124th Ave. NE, Kirkland, Washington. Plaintiff requests
15 permission to amend her complaint at the time of trial to allege the correct name and legal
16 entity of the defendant.

17 1.7 At all material times herein, DOES 1-3 were three owners who owned and
18 operated Safeway store #526. All acts done by the Safeway store #526 located at 14444
19 124th Ave NE, Kirkland, Washington 98304 were done for the profit of the defendants
20 DOES 1-3. On or about May 8, 2017, the defendants, DOES 1-3, owned, operated and/or
21 controlled Safeway store, #526, located at 14444 124th Ave. NE, Kirkland, Washington.
22 The plaintiff requests permission to amend her complaint upon discovery of the true names
23 and legal identities of the defendants DOES 1-3.

24 1.8 Plaintiff Kerstin Hagstrom is a resident of King County, Washington.

1.9 The incident giving rise to this cause of action occurred in King County, Washington, and all parties either live or do business in King County, Washington; jurisdiction is proper pursuant to RCW 2.08.010.

1.10 Venue is properly placed in King County Superior Court.

II. Factual Allegations

2.1 On or about May 8, 2017 one or more of the defendants negligently created, ignored and/or caused a dangerous condition that caused Plaintiff Kerstin Hagstrom to fall on the floor of the Kirkland Safeway store, located in King County Washington. The negligence of one or more of the defendants' employees was the proximate cause of the fall experienced by the plaintiff.

III. Causes of Action

3.1 Under the doctrine of *respondeat superior*, Defendants are liable for the acts and omissions of their employees and agents, including but not limited to the store manager, which caused harm to their business invitee, Kerstin Hagstrom, in the operation of Safeway grocery store #526.

3.2 Defendants owed Plaintiff a duty to maintain its premises in a reasonably safe manner and protect Kerstin Hagstrom from dangerous conditions on defendant's premises that they knew or should have known about.

3.3 Defendants breached their duty of care to Plaintiff to inspect the premises and remove the liquid that had accumulated on the premises since it posed a foreseeable danger to her safety.

3.4 Defendants breached said duty of care including, but not limited to:

a. Failing to maintain the premises in a safe condition.

b. Failing to inspect the premises for unsafe or dangerous conditions.

c. Failing to warn of a dangerous condition.

d. Failing to remove liquid from, and adequately maintain, the floor for the safety of the Plaintiff.

e. Failing to exercise reasonable care under the circumstances.

3.5 Defendants had actual or constructive knowledge of the dangerous condition and failed to remove the danger.

3.6 The negligence of Defendants was a direct and proximate cause of the injuries claimed by plaintiff Kerstin Hagstrom.

IV. Damages

4.1 As a direct and proximate result of the negligence of the defendants, the plaintiff, Kerstin G. Hagstrom, suffered severe injuries to her body necessitating medical treatment. As a consequence, the plaintiff incurred medical expenses and related travel expenses and will continue to incur medical expenses and related travel expenses, all to her special damage in an amount to be proven at the time of trial.

4.2 As a direct and proximate result of the negligence of the defendants, the plaintiff, Kerstin G. Hagstrom, endured severe pain, both mental and physical, suffering,

1 disability, and loss of enjoyment of life. Plaintiff will continue to suffer said damages in the
2 future, all to her general damage in an amount to be proven at the time of trial.

3
4 **V. Prayer for Relief**

5 **WHEREFORE**, Plaintiff prays for judgment against Defendants as follows:

- 6 A. For all past and future economic damages allowable under the law in amounts to
7 be proven at the time of trial;
- 8 B. For all past and future non-economic damages allowable under the law in amounts
9 to be proven at the time of trial;
- 10 C. For past and future loss of enjoyment of life;
- 11 D. For past and future physical, psychological, and emotional pain and suffering;
- 12 E. For past and future disability;
- 13 F. For past and future inconvenience;
- 14 G. For past and future mental and emotional pain or anguish;
- 15 H. For past and future medical, hospital and other such health care expenses and for
16 related travel expenses;
- 17 I. For costs of the lawsuit;
- 18 J. For pre-judgment interest;
- 19 K. For attorney's fees and,
- 20 L. For such and further relief as the Court may deem just and proper.

21 \\
22 \\
23
24
25

Dated this 6th day of May, 2020.

SCOTT & SCOTT, PLLC

By: /s/Rachel E. Scott
Rachel E Scott, WSBA # 31895

Scott & Scott, PLLC
4800 Aurora Ave. N.
Seattle, WA 98103
PH: 206-622-2200
FX: 206-622-9671
e-mail: rachel@scottlawseattle.com
Attorney for Plaintiff